(Bhanwara Ram & ors. Vs. State of Rajasthan & Anr.)

S.B.CIVIL WRIT PETITION NO.3878/2006.

17.8.2006.

HON'BLE MR JUSTICE MOHAMMAD RAFIQ

Mr Harish Purohit, for the petitioners.
Mr Rameshwar Dave, Dy. G.A., for the respondents.

In the present writ petition, the petitioners have challenged the circular dated 27th October, 2005 issued by the respondents wherein amount of incentive money has been fixed afresh for the various employees working under the Gram Seva Sahakari Samiti/LAMPS who have done good business on the basis of their audited accounts and are found to have given business loan in a particular year for more than Rs. 40 lacs and made recovery to the extent of 90%. These employees shall be paid incentive to the extent of 0.1% of the amount of recovery. This circular is being challenged on the ground that the earlier circular dated 8.2.1999 was more beneficial to the petitioners as under that circular, incentive was to be paid on the fixed amount of salary which is as under:-

	Loan Business during the year	**Loan Recovery**	**Incentive Amount**
1.	Above 10 lacs but upto 15 lacs	90%	500 per month
2.	Above 15 lacs but upto 20 lacs	90%	1000 per month
3.	Above 20 lacs but upto 35 lacs	90%	1200 per month
4.	Above 35 lacs	90%	1500 per month

It has been contended by Shri Harish Purohit, learned counsel for the petitioners that in view of circular dated 23.1.92 which was issued earlier to circular dated 8.2.1999, incentive has been provided for all the Vyavasthapaks – Gram Sevaks, therefore, petitioners are entitled to receive the amount of incentive on the basis of past practice which has been consistently followed by the respondents, and therefore, the circular dated 27.10.2005 in so far as it seeks to deviate from past practice is liable to be quashed and set aside being illegal and discriminatory.

Having heard the learned counsel for the parties, I am not persuaded to accept the argument of learned counsel for the petitioners for the reason that whether or not the incentive has to be paid and if paid, on what conditions, it should be paid is entirely an issue which falls within the domain of policy decision adopted by the respondents. If as per the earlier circular, the payment of incentive was made on a fixed amount basis on various slabs of business of loan and recovery thereof, the respondents could completely withdraw the circular and now that they have come out with another policy decision, thereby restricting the payment of incentive to only such societies who have been doing business for more than 40 lacs, then no fault can be found with the action of the respondents. The

issuance of policy circular by the respondents does not confer any legal right on the petitioners as incentive is payable on the basis of circular issued by the respondents from time to time which entirely is based on the performance of the society concerned.

I do not find any merit in the present petition and the same is therefore, dismissed.

(MOHAMMAD RAFIQ),J.

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